

ESTTA Tracking number: **ESTTA687865**

Filing date: **08/05/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Applicant:	Cenovus Energy Inc.
Application Serial Number:	86329409
Application Filing Date:	07/07/2014
Mark:	CENOVUS ENERGY
Date of Publication	04/14/2015

60 Day Request for Extension of Time to Oppose Upon Extraordinary Circumstances

Pursuant to 37 C.F.R. Section 2.102, Vermillion Intellectual Property Corporation, 909 - 17 Ave SW, Suite 400, Calgary, AB T2T 0A4, CANADA respectfully requests that he/she/it be granted an additional 60-day extension of time to file a notice of opposition against the above-identified mark for extraordinary circumstances shown .

Potential opposer believes that extraordinary circumstances are established for this request by:

- As stated in the original request for an extension of time (the #Request#): for over seven years, the potential opposer has been a social enterprise engaged in the United States and worldwide in developing a non-partisan system (the "Vermillion System") for (i) promoting full-spectrum sustainable development (which is comprised of the three dimensions of people, planet and community prosperity), (ii) improving industry-specific data collection and benchmarking regarding those three dimensions, (iii) improving public literacy about the industry-specific issues and differences, and (iv) promoting constructive multi-stakeholder discussions about the nature of industry-specific leadership. As a social enterprise, the potential opposer is not awash in funding or funding sources the way conventional profit-seeking companies can often be. When the potential opposer was granted a 90-day extension of time, its Operations Director (its #OD#) believed that time would be sufficient to conduct (i) the intended investigations and (ii) the possible settlement activities outlined in the Request. However, on June 5, 2015 the OD found that a minor body ache had escalated into a major acute issue that interfered with his ability to do almost anything. He didn't know what was happening, so he visited a medical clinic on June 6th, where the doctor diagnosed him with an infection and instructed him to be X-rayed ASAP; the same doctor issued him a prescription for antibiotics and two powerful painkillers # one being generic Tylenol 3 with codeine and the other being selected by the doctor based on the OD's indication that he hoped to keep a clear head to manage various time-sensitive activities including this USPTO matter. As instructed, the OD obtained X-rays within a few days and was referred by his general practitioner immediately to a number of surgeons in hopes the OD might find one who could perform the surgery within a matter of weeks. One of the surgeons had first dates available in August; another could see the OD on an emergency basis in late June, and the OD took the earlier availability in his ongoing hope to recover, and not draw out this USPTO matter, among others. Unfortunately, the only way for the OD to manage the pain before and after the surgery was with the use of both prescribed painkillers, and they rendered him unable to think clearly enough to work properly throughout the period. The result of all this was that nearly a month of the 90-days granted by the USPTO was interrupted by the unforeseeable impairment of the potential opposer's only qualified director. In the remaining time, the OD and the potential opposer diligently pursued the activities stated in the Request: the potential opposer has used the additional time (i) to investigate the claims of the applicant and assess the risks of confusion and/or tarnishment to the Vermillion System, (ii) to identify experienced US counsel that may be willing to advise and/or represent, and (iii) to attempt initial discussions with the applicant regarding the possibilities, if any may exist, for settlement. However those steps are not adequately complete at this stage, so the potential opposer respectfully requests an additional 60-day extension due to these extraordinary circumstances. Thank you for reading this.

The time within which to file a notice of opposition is set to expire on 08/12/2015. Vermillion Intellectual Property Corporation respectfully requests that the time period within which to file an opposition be extended until 10/11/2015.

Respectfully submitted,

/wade ferguson/

08/05/2015

Wade Ferguson

Vermillion Intellectual Property Corporation

909 - 17 Ave SW, Suite 400

Calgary, AB, T2T 0A4

CANADA

wade.ferguson@vermillioncommunityservices.org